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The Solicitors' Journal

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Current Topics.

Illness among the Judges.

JUDGES, like ordinary mortals, are liable to be laid aside by illness with the consequence that a halt has had necessarily to be called in the effort that was being made, and for a time successfully, to keep abreast of the work of the courts. Last week quite a number of the judges of first instance were absent through illness, and the Court of Appeal was similarly affected through the indisposition of Lord Justice GREER. To man Court of Appeal No. II, the services, first, of Mr. Justice EVE, and when he too was laid aside, those of Mr. Justice ROCHE were requisitioned, thus enabling the appellate tribunal to carry on, but it obviously had the effect of depleting, first, one of the Chancery courts, and then one of the King's Bench courts, where the presence of all the judges is urgently required. The provisions of the Judicature Act, 1925, reproducing similar provisions in earlier statutes, enabling the Lord Chancellor to request the attendance at any time of any judge of the High Court to sit as an additional Judge of the Court of Appeal has been found extremely useful and its enactment showed foresight on the part of those responsible for its inclusion in the statute book, but while excellent in itself, the exercise of the power thus conferred upon the Lord Chancellor has in many cases, especially in recent times, merely had the effect, to put it colloquially, of robbing Peter to pay Paul. The Court of Appeal is able to function, but the High Court is deprived of a judge whose continued presence in his own Division is as imperatively required. Even when the full number of judges are able to be at work it takes all their efforts to keep down arrears, but when, as has recently been the case, a large number are incapacitated by sickness, the consequence is obvious, that much of the work has to stand over. Occasions like these point very forcibly to the necessity of increasing the number of the judges in order to cope successfully, and with despatch, with the work falling to their hand. Fully recognising as we do the obligation resting on the nation to practise the utmost economy, we yet regard it as no saving that cases should be hung up for months which ought to be disposed of with celerity. At the moment the margin of safety in the number of judges is much too narrow for continued efficiency.

Company Pretending to be a Solicitor.

WE noted in a previous issue the fact that a company had pleaded guilty in a London police court to the offence of pretending to be a solicitor contrary to s. 46 of the Solicitors Act, 1932. That section, it will be recalled, provides that "any person not having in force a practising certificate, who wilfully pretends to be and takes or uses any name, title, addition, or description, implying that he is qualified and recognised by law as qualified to act as a solicitor, shall be liable on summary conviction to a penalty not exceeding £10 for each offence." We then stated that it seemed strange that anyone should think it possible for a limited company to sit for the Law Society's examinations and take out a practising certificate. In *The Law Society* v. *United Service Bureau Ltd.* (77 SOL. J. 815) a Divisional Court consisting of Mr. Justice AVORY, Mr. Justice CHARLES and Mr. Justice LAWRENCE, dismissed an appeal by case stated from a decision of Mr. MEAD, the magistrate at Marlborough Street Police Court, in which the latter dismissed two informations under s. 46 against a limited company. Mr. Justice AVORY referred to s. 2 of the Interpretation Act, 1889, which provides (*inter alia*) that in all Acts relating to offences punishable on indictment or on summary conviction "person" shall, unless the contrary intention appears, include a body corporate. This merely embodies the principle laid down by the House of Lords in *Pharmaceutical Society* v. *London and Provincial Supply Association*, 5 A.C. 857. It seemed, said his lordship, that s. 46 of the Act of 1932 must be held to contemplate a person who might and could have in force a practising certificate as a solicitor. A company could not pass the final examination, and so could not be qualified under s. 43 or take out a practising certificate under s. 46. Mr. Justice AVORY thought that the matter had been overlooked by the Legislature, but Mr. Justice CHARLES and Mr. Justice LAWRENCE doubted this on the ground that the Attorney-General could take action and obtain an injunction against a company which pretended to carry on a solicitors' business. It is true that a company cannot legally be formed to carry on the business of a solicitor, but it is occasional acts of imposture at which s. 46 aims as well as systematic illegality, and it is little comfort to the public or the profession to know that the Attorney-General can shut the door after the horse has bolted. The result of the Divisional Court's decision would appear to indicate that a short amending Act is required, as we have reason to believe that the practice is by no means rare.

Discretion to Prosecute Bigamy.

THE suggestion made by Mr. Justice MACKINNON at Glamorgan Assizes that the police authorities should exercise greater discretion in bringing bigamy cases before the court will have startled some people, both on account of the reference to a discretion and on account of the type of case in which the learned judge considered it should be exercised. Whether the police have or have not, technically, a discretion, it is well known that there are many cases in which they refrain from setting the law in motion. The Lord's Day Observance Act, 1625, and similar statutes of 1627, 1677 and 1781 afford one example; the Profane Oaths Act, 1745, another. And when the abolition of the speed limit for motor cars was proposed, it was urged that the extent to which the rule was ignored with impunity brought the law as a whole into disrepute, but that enforcing it would have resulted in the general law being brought into even greater disrepute. It is, of course, noticeable that the offences "winked at" by the police are what are commonly called "obsolete," and MACKINNON, J., appears to have based his suggestion on the proposition that bigamy belongs to this class. Without assenting to, or

dissenting from, this proposition, we may observe and deplore that bigamists are, nowadays, virtually punished for something else. For it is the present habit to enquire, not as to the extent to which the prisoner has desecrated the marriage ceremony (which is what bigamy is), but as to the manner in which he or she has treated his or her true and bigamous spouses, and punishment is then inflicted according to the amount of cruelty and deceit exercised and to the extent to which such conduct is considered justified. Meanwhile, the equally cruel and unscrupulous deserter who contracts a second union, but omits to go through a form of marriage, commits no criminal offence. This differentiation does, we think, bring the law into disrepute; but whether the evil can be remedied by the exercise of the alleged discretion is another matter.

Powers of Minister of Transport.

A WELCOME limitation was set by the Court of Appeal in *Rex* v. *Minister of Transport*: *Ex parte Upminster Services, Ltd.* (*The Times*, 8th November) on the apparently wide and arbitrary powers given to the Minister by s. 81 (2) of the Road Traffic Act, 1930. That provision enacts that on any such appeal as is referred to in s. 81 (1) "the Minister shall have power to make such order as he thinks fit (including an order revoking a licence, and any such order shall be binding upon the Commissioners or certifying officer." In June, 1932, the appellant company was formed to take over the business of two other companies which had operated motor coaches from Aldgate East to Upminster, Essex, through Ilford and Becontree. A road service licence and backing was granted in July, 1932, to operate along the same route, and the company commenced working in August, 1932. On appeals by Green Line Coaches Limited, and the London, Midland and Scottish Railway Company against the licence and backing, the Minister made orders that the Metropolitan Traffic Commissioners should revoke the licence and backing so soon as he was satisfied, after consultation with the Traffic Commissioners for the Eastern Area, that adequate provision had been made for road services between Upminster and London. On 24th January, 1933, a letter was written on behalf of the Minister to the Traffic Commissioners stating that the Minister was satisfied that the service had been operated illegally since its inception and for this reason among others had decided to revoke the licence as soon as the Commissioners were satisfied that adequate provision had been made for road services on that route. The representative of the Minister who heard the appeals stated in an affidavit that he took into account evidence of previous illegal operation of the services by the two companies taken over as well as by the appellant company. The Divisional Court discharged a rule *nisi* calling on the Minister of Transport to shew cause why a writ of *certiorari* should not issue to quash his orders, on the ground that the Minister's powers under s. 81 (2) were very wide. Lord RUSSELL OF KILLOWEN said that s. 74 gave the Commissioners a discretion as to the revocation of a licence and it was difficult to understand how the Minister could have considered himself entitled to dictate to the Commissioners how they were to exercise the discretionary power vested in them by way of original jurisdiction. With regard to s. 81 (2) Lord RUSSELL said that "such an order as he thinks fit" must necessarily be limited to orders in reference to the subject-matter of the appeal, and the words "including an order revoking a licence" could not apply to all appeals under the section. In his lordship's opinion the Minister could not exercise original jurisdiction (which was given to the Commissioners under s. 74) by revoking a licence which was originally rightly granted, as only such orders could be made, the making of which was involved in or necessitated by the Minister's decision on the question submitted to his review on appeal. The Master of the Rolls and Lord Justice ROMER also gave judgment allowing the appeal. There is no reason why a Minister of the Crown should have more power than any other tribunal in exercising appellate jurisdiction, and the decision of the Court of Appeal is in line with the salutary modern tendency to prevent Ministers from assuming arbitrary and despotic powers.

A *Casus Omissus.*

WHAT appears to be a *casus omissus* in the Local Government Act, 1929, was disclosed in *Pounder* v. *London County Council*, in the Court of Appeal on 23rd October (*The Times*, 24th October). The plaintiff, who had been engaged as a porter by the Russley Board of Guardians in April, 1928, then came within the Poor Law Officers' Superannuation Act, 1896. By s. 119 of the Local Government Act, 1929, he was, on 1st April, 1930, transferred to the service of the Gloucestershire County Council, where he served, still as a porter, until 8th June, 1930. On that date he resigned, and was appointed a male nurse in the Claybury Asylum of the London County Council on 9th June, 1930. The question was whether he had by changing his employment become subject to the Asylums Officers' Superannuation Act, 1909, or remained subject to the less advantageous Act of 1896. Under s. 124 of the Local Government Act, 1929, if an officer who has made contributions required by the Poor Law Officers' Superannuation Act, 1896, is by the Act of 1929 transferred to the service of any council, then, if the council to whose service he is so transferred has no superannuation scheme, the Act of 1896 shall apply to him, "and shall continue so to apply to him so long as he is in the service of the council of any county or county borough." "Parliament," said Lord Justice SCRUTTON, "had apparently not contemplated that a porter might become a male nurse." Mr. Justice TALBOT had found in favour of the London County Council to the effect that the less advantageous Act of 1896 continued to apply to the appellant, and the Court of Appeal dismissed the plaintiff's appeal from his judgment.

Trespass on Land.

SOME observations of MACKINNON, J., in a recent case, seem almost calculated to encourage those who desire to trespass on the land of other people to do so. Their encouragement, with consequent possible prosecutions under the Malicious Damage Act, 1861, or consultations as to the legal remedy afforded to the trespasser who is bitten by a dog or knocked down by a cow, may afford emolument to the profession, but lawyers continue to desire, against their own immediate interests, to keep their clients out of mischief. His lordship, after a reference to a repealed statute of GEORGE II, which, he stated, was the foundation of notices as to trespassers in the usual form, went on to remark that the notices were mere *brutum fulmen*, and that he trespassed on the average about once a week. Possibly the learned judge in addition to his armour of legal wisdom which would enable him to reply suitably if challenged by the owner of the land on which he trespassed (or the latter's gamekeeper) and to retreat with honour without a hand being laid on him, even molliter, is a match for any bull, cow, ox or dog which may endanger his person (not to mention a large pig or horned ram). Possibly also, he can tread grass so delicately that *Gayford* v. *Chouler* [1898] 1 Q.B. 316, could never be applied to him. Another possibility may be that he is too sensible to trespass on any close or field containing large animals, and over which no right of way exists, unless he knows that the owner has suffered other trespassers there, and so has clothed them all with the virtue inherent in *Lowery* v. *Walker* [1911] A.C. 10. Thus, one who is wise as the serpent and harmless as the dove may, perhaps, be advised to trespass as often as he or she pleases, but for others less gifted it is submitted that such advice is dangerous. According to MACKINNON, J., the repealed statute provided that the trespasser might be prosecuted if he failed to depart on challenge, which is, or at least was until recently, the statute law in Alabama and Georgia, U.S.A.

Manslaughter and the Medical Acts.

A QUALIFIED medical practitioner having recently run down and killed a pedestrian while driving his car was found guilty of manslaughter or culpable homicide. In urging mitigation of sentence, his counsel pointed out the possibility of the General Medical Council taking action if too severe a view of the case was taken by the judge. Upon consideration the latter fined the prisoner, who, as found guilty of manslaughter, may perhaps be deemed fortunate in escaping with fine only, the sum of £100. The question whether the Medical Council will take any action on the case will no doubt be one for that body, but that they can do so is manifest from s. 29 of the Medical Act, 1858, which provides that they can erase the name of a medical practitioner from the register if he has been convicted either for felony or misdemeanour, or, of course, if guilty of "infamous conduct in any professional respect." The Council is thus given full discretion, which it certainly would not exercise on conviction for a trifling misdemeanour which might even be evidence of professional zeal, e.g., such as a conviction for exceeding the speed limit, before it was abolished, in order to see a patient in danger of death. The cases as to such disqualification were discussed in an article, "Some Problems of Expulsion" (71 SOL. J. 134). Since then *R.* v. *The General Council, etc.* [1930] 1 K.B. 562, has been reported, but that turned on "infamous conduct." It may be possible (though, perhaps, not probable) for a reckless driver to be a very good doctor, and, if a court disqualifies him from driving and he then employs a chauffeur, he may continue a career thenceforth blameless. The felony or misdemeanour mentioned in s. 29, *supra*, would no doubt be such as, in the opinion of the Council, stamped the person convicted as unfit for the medical profession, just as in *Re Weare* [1893] 2 Q.B. 439, one convicted of keeping a brothel was held to be rightly struck off the Rolls, though his offence was not directly connected with his profession. Probably a doctor would be similarly disqualified, but no such case has been reported.

Codification of Local Government Law.

THE new Local Government Bill, which passed through its final stages in the House of Commons this week, was described by the Minister of Health in moving its second reading as a "tidying up" of the law, its purpose being the consolidation of the law of local government for England and Wales. It is the first instalment of the codification of the whole of the law of local government, and repeals wholly or partially about 900 sections of other Acts of Parliament and thirty-three schedules, in addition to repealing in their entirety forty-seven Acts, thus effecting a great simplification and clarification of the law. The enquiry preceding the consolidation was instituted in 1930, and was presided over by the late Lord CHELMSFORD, being constituted of representatives of all the three parties and of the four great associations of local authorities. After sittings lasting for two years it presented an unanimous report. A Joint Select Committee of both Houses of Parliament sat for five whole days to consider the whole Bill and take evidence on all matters requiring further examination before it proceeded through its regular stages, in the House of Lords. The new Bill consists of some 306 sections, and eleven schedules, and is divided into fifteen parts dealing separately with constitutions, meeting, elections, members, committees, officers, offices, alteration of leases, acquisition and dealings in land, expenses, borrowing, accounts and audit, bye-laws, local financial returns, local and personal bills and freemen of the various local authorities. It is not a mere consolidation statute. Many important amendments of the law are included, the repeal, for example, of the troublesome s. 174 of the Public Health Act, 1875, certain alterations in county council procedure, and the election of borough councillors. The new measure is to come into operation on 1st January, 1934.

Road Traffic Cases.

THE Road Traffic Act, 1930, promises to be almost as prolific in its output of subtle problems as the Workmen's Compensation Acts and the Rent Restriction Acts. The Divisional Court was recently faced on successive days with two cases raising difficult questions under ss. 61, 67 and 72. The interesting contention of the respondent in *Drew* v. *Dingle* (77 SOL. J. 799) was that where a charge is made for the carriage of produce to market and the owners of the market produce are carried with their produce without extra charge being made, the carriage in which they travelled was not a carriage within s. 61 (1) (*b*) of the Road Traffic Act, 1930, i.e., a motor vehicle "carrying passengers for hire or reward at separate fares." The respondent contended that it therefore was not subject to ss. 67 and 72 of the Act, which provide that anyone causing or permitting such a vehicle to be used on any road must hold a "public service vehicle licence" and a "road service licence." The respondent, it was admitted, was carrying at the time of the alleged offences five passengers with their market produce. Two of them paid the respondent 10s. for the conveyance of their produce and themselves to market, two others paid 7s. each and the fifth paid 5s. 3d. The respondent had neither a "public service vehicle licence" nor a "road service licence" at the time. The justices had held that payment of one sum to cover the conveyance of both the passengers and their goods did not constitute the conveyance of passengers at separate fares within s. 61 of the Road Traffic Act, 1930. The Lord Chief Justice thought that the vehicle was clearly an express carriage, as fares had been paid for the carriage of the passengers, and it was quite immaterial that they carried their market produce with them. Mr. Justice Avory and Mr. Justice Lawrence gave judgment to the like effect, and the appeal was therefore allowed, the case being sent back to the justices with a direction that the offence charged had been proved.

The short point in *Goldsmith* v. *Deakin* (*The Times*, 4th Nov.) was whether a motor coach proprietor could be said to have "permitted" the use of his motor vehicle without the requisite licence within s. 67 if he let his coach to convey a party to and from a dance at a charge of 10s. each way, and further agreed that the driver should collect tickets from the passengers to prevent unauthorised persons from boarding the coach. The justices found that the persons attending the dance did not constitute a private party and that the dance was not a special occasion, and that therefore the respondent's vehicle was in fact a stage coach, but that he could not be said to have permitted its use as such. Mr. Justice Avory held that where a person hired out a vehicle in circumstances in which he ought to know that it might be used as a stage carriage and put his servant in charge to use it in any way that the hirer might choose to direct the servant to use it, then he was "permitting" its use as a stage carriage without the proper licence within s. 17. His lordship quoted *Osborne* v. *Richards* [1933] 1 K.B. 283, in which the owner had been warned, but said "I can hire my coaches to anyone and neither the Traffic Commissioners nor anyone else can say anything," and said that that was, in effect, the attitude of the respondent in the present case. The appeal was allowed with costs.

In both *Drew* v. *Dingle* and *Goldsmith* v. *Deakin* the defence of "special occasion" within s. 61 (2) was unsuccessfully set up. Both Mr. Justice Talbot and Mr. Justice Humphreys expressed doubts as to the application of the term "special occasion" to the circumstances in *Birmingham and Midland Motor Omnibus Co.* v. *Nelson* [1933] 1 K.B. 188, and the Lord Chief Justice and Mr. Justice Avory felt some difficulty in coming to a decision on the interpretation of the same words in *Miller* v. *Pill*, 49 T.L.R. 437. The words are used in both ss. 61 (1) and 61 (2), and will no doubt be productive in the future of many more doubts and difficulties.

Mr. John Francis Butlin, solicitor, of Birmingham, left £15,181, "so far as can at present be ascertained."

Offences and Penalties under the Milk Marketing Scheme.

THE penalty of £50 imposed recently in Cornwall upon a "producer-retailer" of milk for selling the same at less than the price prescribed by the Milk Marketing Board is the first instance of the exercise by the latter body of the powers given to it by the Agricultural Marketing Act, 1931 (21 & 22 Geo. 5, c. 42). As the offences which may be committed in contravention of this act may not be widely known or clearly understood, it is advisable that the agricultural community and their legal advisers should consider the position.

The Act and the Statutory Orders made thereunder deal with the regulation of the marketing of agricultural products. Such products are defined as including "any product of agriculture or horticulture and any article of food or drink wholly or partly manufactured or derived from any such products, and fleeces or the skins of animals. When it has been determined to put a scheme for such "regulation" into operation in any particular area, the producers of such product therein are required to be registered, unless exempt from such registration. Otherwise they are not permitted to vend the product in question. The details of the requirements of this registration or exemption must be sought in the statutory order applicable to each separate scheme made in the case of the various products which have already been "regulated." The Milk Marketing Scheme (Approval) Order, 1933, dated 28th July, 1933, made by the Minister of Agriculture and Fisheries under Section 1 (8) of the Agricultural Marketing Act, 1931," is a typical example of such statutory order. Others have been made controlling the marketing of pigs and of bacon.

Paragraph 40 of this Milk Order exempts from registration:—

(*a*) Producers who for the time being have in their possession in England and Wales not more than four milch cows, unless they sell milk by retail.

(*b*) Producers who are not carrying on the business of selling milk otherwise than to their servants for consumption in their households.

Section 6 (1) of the Act provides :—

(*a*) For requiring that no sale of the regulated product shall be made by any producer who is not either a registered producer or a person exempted from registration by or under the provisions of the scheme.

(*b*) For exempting from all or any of the provisions of the scheme producers and sales of such classes and descriptions as may be specified in the scheme or determined by the board.

(*c*) For requiring the board to impose upon and recover from any registered producer who contravenes any provision of the scheme made in pursuance of the last foregoing section such monetary penalties as may be specified by the scheme, so, however, that no such penalty shall be imposed in respect of a contravention of the scheme which constitutes an offence under any other Act.

The "last foregoing section" above alluded to is s. 5, which empowers the board to control the kind, grade and price of the produce, as well as the persons to or by whom it may be sold.

Paragraph 62 (1) of the statutory order lays down that "no registered producer shall sell milk by retail, except under and in accordance with the terms of a licence (herein called a retail licence) issued by the board authorising him to sell milk by retail." Such licence may by s. 62 (2) "contain such conditions as the board may think fit as to the price and other conditions on which the milk may be sold by retail.

By para. 62 (4) (*a*) and (*b*), if a registered producer-retailer sells without the licence aforesaid or, having a licence, sells in contravention of its terms, the board may, by resolution, impose on him a penalty not exceeding £100, in addition to revoking his licence where he has one.

The penalty so imposed is, by para. 71, to be recovered as a debt due to the board. Before proceedings are taken for such recovery, however, the registered producer is to be sent immediate notice of the imposition of the said penalty. He has fourteen days from the sending of such notice during which he may demand that the board shall submit the matter to arbitration. Such arbitration is to be conducted by an arbitrator agreed to by both parties, or appointed in default of such agreement by the Minister. The Arbitration Act, 1889 (52 & 53 Vict. c. 49), shall apply to the arbitration in question.

"Producers" who are not registered or exempted from registration, may also incur penalties. Section 6 (3) enacts that "Any producer who sells the regulated product in contravention of the provisions of a scheme made in pursuance of paragraph (*a*) of sub section (1) of this section" (*cit. supra*) "shall for each offence be liable on summary conviction to a fine not exceeding five pounds, or, on conviction on indictment, to a fine not exceeding two hundred pounds, and in either case to an additional fine not exceeding half the price at which the product was sold : Provided that the fines imposed on summary conviction for any offence under this sub-section shall not exceed in the aggregate one hundred pounds."

By para. 57, a registered producer who sells other than by retail may have inflicted on him pecuniary penalties similar to those specified in para. 62 if his contracts do not comply with the form and other requirements demanded by the board.

By para. 69, the board may impose a fine not exceeding £20 upon any registered producer who fails to furnish them on demand "such estimates, returns and other information relating to milk as may be specified" by them, or if he "knowingly makes any false statement in reply" to such demand.

Further, para. 70 provides that "any person authorised in writing by the Board may, for the purpose of securing compliance with this Scheme, enter and inspect at any reasonable time and on production of his authority any part of the land or premises occupied by a registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing, grading, marking, packing or storing milk or adapting it for sale, and may take samples of milk, and the registered producer shall afford reasonable facilities for such entry, inspection and sampling." There is no specific penalty mentioned should the registered producer impede or prevent this inspection, but he would in such case be "contravening" the act and the order if he then sold milk and would doubtless come under the liability imposed by para. 62, if his obstruction to the carrying out of the regulation did not, of itself, constitute a common law offence.

Dangerous Attractions to Children.

Donovan v. *Union Cartage Co. Ltd.* (1932), 49 T.L.R. 125 (77 SOL. J. 30), is an interesting and important case on the subject of liability to children, and it is proposed in this article to make a rapid review of the cases on that subject.

The leading case is that last refuge of the destitute, *Lynch* v. *Nurdin* (1841), 1 Q.B. 29, in which it was held that the defendant who had left a horse and cart unattended in a street was liable to a child who climbed on to it and was then jolted out by another boy making the horse start. Somewhat similar was *Harrold* v. *Watney* [1898] 2 Q.B. 320, where the defendant's fence adjoining the road was rotten and fell and injured the plaintiff, who climbed it. It was held that the defendant was liable. The principle of these and similar cases was summed up by Lord Atkinson in *Cooke* v. *Midland Great Western Railway Co. of Ireland* [1909] A.C. 229, at p. 237,

where he says: "The authorities from *Lynch* v. *Nurdin* downwards establish, it would appear to me, first, that every person must be taken to know that young children and boys are of a very inquisitive and frequently mischievous disposition, and are likely to meddle with whatever comes within their reach; secondly, that public streets, roads and public places may not unlikely be frequented by children of tender years and boys of this character; and thirdly, that if vehicles or machines are left by their owners, or by the agents of the owners, in any place which children and boys of this kind are rightfully entitled to frequent, and are not unlikely actually to frequent, *unattended or unguarded and in such a state or position as to be calculated* to attract or allure these boys or children to intermeddle with them, and *to be dangerous if intermeddled with*, then the owners of those machines or vehicles will be responsible in damages for injuries sustained by these juvenile intermeddlers through the negligence of the former in leaving their machines or vehicles in such places under such conditions . . ."

It was the words in italics which were held to be fatal to the plaintiff in *Donovan* v. *Union Cartage Co.*, who had climbed on to an unhorsed van and had then fallen off. Acton, J., sums up the law concisely where he says: "This is one of the cases in which it is contended that liability arises from the established duty in relation to children to take care not to leave that which may be dangerous to them, if meddled with, in any place where they may be able to reach it, without interference, protection or control, and it is probable that they may be allured or attracted to it through the propensities common to children"; but he held that an unhorsed van was not an article of such intrinsic danger as to give rise to the duty.

Difficult considerations arise where the attractive playthings are situated on private property. In America it has been held that an owner of property on which is situated an attractive but dangerous article is liable if he fails to take precautions to prevent children from trespassing or to safeguard them by immunising the article, see *Railroad Co.* v. *Stout* (1873), 17 Wall 657; and *Cooke* v. *Midland Great Western Railway of Ireland*, seemed to many to approach very near the same position. It called forth a vigorous pamphlet from Mr. Beven, entitled "The Child Trespasser," in which he demolished the idea that anyone owed a duty to prevent man, woman or child from trespassing on his property, and ridiculed the notion that he owed the duty of a nursemaid to children who did happen to trespass. The case was closely criticised in *Latham* v. *Johnson* [1913] 1 K.B., 398, at 415, by Hamilton, L.J., where it was held that a child who trespassed into a field and was next found sitting on a pile of stones with a crushed hand had no remedy; and a like decision was reached by the Court of Appeal in *Hardy* v. *Central London Railway* [1920] 3 K.B. 459, where a child in the course of his trespassings got his hand mangled in the moving stair.

Jenkins v. *G.W.R.* [1912] 1 K.B. 525, where a child, on its way to a stack of sleepers used by children to the knowledge of the defendants as a playground, was run over by a train, had affirmed the absence of duty to a trespasser, and Lord Hailsham in *Addie* v. *Dumbreck* [1929] A.C. 358, at 364, finally rescued what had at one time seemed to be a tottering doctrine, and held that the father of a boy killed in the terminal wheel of a haulage system had no remedy because the boy was a trespasser. Next year, however, a plaintiff succeeded in rather similar circumstances in *Excelsior Wire Rope Co.* v. *Callan* [1930] A.C. 404, and the intermediate case of *Mourton* v. *Poulter* [1930] 2 K.B. 183, the tree-felling case, also gave some difficulty. But these cases, as also *Cooke's Case*, are now generally regarded as cases of licensees with the corresponding duty as to traps.

The chief difficulty in most of these cases is to decide into which category the plaintiff falls, trespasser or licensee, but as far as concerns children a very small measure of acquiescence will bring them into the latter class. The ordinary instincts of mankind are to be kind to children, and to let them play in places where they have no right to be, provided they do not make a nuisance of themselves. Unfortunately, these generous instincts find no sympathy from the law, which only takes advantage of them to impose on the kind owner a stringent liability with regard to traps.

The liability to a child is also heightened by the rule that, if children are to be expected, it is the knowledge of a child that must be reckoned with, and there will be a duty to warn of a danger which is obvious to an adult. For this rule see *Glasgow Corporation* v. *Taylor* [1922] 1 A.C. 44, the case of the poisonous shrub in the public park. And who is to say what is likely to cause injury to a child? The normal child has a genius for being able to hurt himself with anything. It is for this reason that *Donovan's Case* is of importance; it does put a limit to the liability by laying it down that the allurement must be something which in its nature is likely to cause injury.

Costs.

"PARTY AND PARTY" COSTS.

THE question of what constitutes party and party costs was raised recently in a modified form by a discussion which took place on the taxation of a bill of costs in connection with proving a claim in Admiralty. The registrar's report was in the usual form and granted the claimant the "costs of proving the claim." The registrar's findings were confirmed by the judge, but were modified by the Court of Appeal, and further modified by the House of Lords, the ultimate effect being that the registrar's report stood as it was originally issued, subject to the fact that a very large proportion of the claim, allowed by the registrar with the approval of the judge, was disallowed as being computed wrongly in principle. Something in the neighbourhood of four-fifths of the claimants' bill of costs on the reference was comprised of work done and expenses incurred in substantiating or attempting to substantiate, the items which were eventually held to have been conceived on a wrong principle, and the registrar disallowed these items of costs on the ground that the report only gave the claimants the costs of proving their claim, and, consequently, since they had failed to prove a large number of items of the claim, the costs in relation to those items could not be treated as "party and party" costs. The matter was eventually compromised and no ruling of the court was, therefore, obtained on this interesting point, which, as will be observed, turned wholly on the wording of the registrar's report. Had the report been so drawn as to give the claimants the "costs of the reference" instead of merely the "costs of proving their claim," the difficulty might have been overcome.

In passing, it may be observed that this same point arises in practically all taxations of costs in relation to Admiralty claims, for it is very rarely that a claim is allowed in full, and it would seem from the facts mentioned above that in every instance there ought to be a disallowance of some proportion of the costs in respect of the items of the claim disallowed. On the other hand, it is not uncommon for the registrar to direct specifically that the costs occasioned by putting forward certain items of the claim which he has disallowed shall be borne by the claimants, and there seems to be something inconsistent about this direction if the customary wording of the report to the effect that the claimants shall be paid their "costs of proving the claim," means only that they are to receive the costs of those items which are proved and allowed. After all, if the items are not proved, then quite clearly they should not have been in the claim at all, and it is obviously inequitable that the opposite party should be asked to pay for the costs of attempting to claim more than is justly due to the claimants.

The circumstances of these cases dealing with Admiralty claims are perhaps of a somewhat special nature, and normally the limitations of "party and party" costs are well known. Malines, V.-C., observed in the case of *Smith* v. *Buller* (1875), L.R. 19, Eq. 473, that "costs chargeable under a taxation as between party and party are all that are necessary to enable the adverse party to conduct the litigation and no more. Any charges merely for conducting litigation more conveniently may be called luxuries, and must be paid by the party incurring them." Too wide an interpretation must not be given to the direction that the costs recoverable in a party and party taxation are only those "necessary to enable the adverse party to conduct the litigation." The successful party may even recover, as costs of action, the expenses incurred before the action was actually commenced.

Thus, the costs of collecting evidence before the issue of a writ, including the cost of a journey to interview prospective witnesses, may be allowed as between party and party: see *Société Anonyme Pecheries Ostendaises* v. *Merchants Marine* [1928] 1 K.B. 750. Reference may also be made to an earlier case, namely, *Bright's Trustee* v. *Sellar* [1904] 1 Ch. 369, where the cost of obtaining a transcript of the evidence given in another action was allowed, notwithstanding that the transcript was obtained by the defendant before the writ had in fact been issued. So, also, is it customary for the taxing master to allow the successful party the cost of a case to advise before the action commenced, if it is "really useful and necessary": see "Practice Masters' Notes," (1902) No. 21. The costs will not necessarily be disallowed because they were incurred in respect of something which was of no service in the action, providing the proceeding was considered necessary at the time the costs were incurred, *Bartlett* v. *Higgins* [1901] 2 K.B. 230. Subject to this, however, a party who is awarded the costs of the action must commence his bill with "Instructions to sue or defend": see *In re Scarre* (1920), 149 L.T.J. 176.

"An unsuccessful party is bound to pay his opponent those costs which the opponent was reasonably entitled to incur, and has either paid, or has rendered himself liable to pay"—Brett, M.R., in *Carson* v. *Pickersgill*, 14 Q.B.D. 859. This is the principle to be observed in preparing and taxing a bill of costs as between party and party and, subject to the limitations imposed thereby, the taxing master has full discretion to allow the successful party "such costs, charges and expenses as shall appear to him to have been necessary or proper for the attainment of justice," or for defending his rights (Orders LXV, r. 27 (29)).

Company Law and Practice.

Proofs in Winding Up.

THERE is one aspect of the making of proofs in the voluntary liquidation of a company which seems very strange; what the explanation of it is I frankly do not know, though it seems to be a reasonable assumption that those responsible for the drafting of the Winding Up Rules did. Perhaps we had better start with the Companies Act, 1929, s. 210:—

> "The court may fix a time or times within which creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved."

This, of course, is only dealing with a compulsory winding up, and it is in the ordinary way quite unnecessary to ask the court to fix such a time for reasons which will appear hereafter. Next comes s. 220, which gives power to make provision by general rules for enabling or requiring all or any of the powers and duties conferred and imposed on the court in England by the Act in respect of (*inter alia*) the fixing of a time within which debts and claims must be proved to be exercised or performed by the liquidator as an officer of the court, and subject to the control of the court.

Then, lastly, there is s. 305 (1), which confers upon the Lord Chancellor, with the concurrence of the President of the Board of Trade, a general power of making rules for carrying into effect the objects of the Act so far as relates to the winding up of companies in England. Hence we get the Winding Up Rules—whether the power under s. 220 to which I have referred is really capable of adding anything to the general power seems doubtful, but in any case the point is not material.

The first rule to which I would refer is r. 104, which gives a liquidator in any winding up (compulsory or voluntary or under supervision) power from time to time to fix a day (not less than fourteen days from the date of the notice) on or before which the creditors of the company are to prove their debts or claims, and to establish any title they may have to priority under s. 264, or to be excluded from the benefit of any distribution made before such debts are proved, or, as the case may be, from objecting to such distribution. That is the first sub-clause of the rule; the next sub-clause deals with the manner in which such notice is to be given.

The liquidator must give notice in writing of the day so fixed by advertisement in such newspaper as he considers convenient, and in a winding up by the court to every person mentioned in the statement of affairs as a creditor and who has not proved his debt, and to every person mentioned in the statement of affairs as a preferential creditor whose claim to be a preferential creditor has not been established and is not admitted, and in any other winding up to the last known address or place of abode of each person who, to the knowledge of the liquidator, claims to be a creditor or preferential creditor of the company and whose claim has not been admitted.

Now, having given notice, the liquidator has to deal with the proofs of debt; he must examine every one lodged with him, and the grounds of the debt, and in writing admit or reject it, in whole or in part, or require further evidence in support of it. (Rule 105) If he rejects a proof he must state in writing to the creditor the grounds of the rejection (*ibid*). The next rule provides that creditors or contributories dissatisfied with the liquidator's decision in respect of a proof may apply to the court to reverse or vary the decision, but—and these are the words to which I would particularly direct the attention of my readers—"subject to the power of the court to extend the time, no application to reverse or vary the decision of the liquidator in a winding up by the court rejecting a proof sent to him by a creditor or person claiming to be a creditor, shall be entertained, unless notice of the application is given before the expiration of twenty-one days from the date of the service of the notice of rejection."

Just one other matter to which I should have referred: A marginal note to r. 105 mentions Form 61; this form in the appendix to the rules, is a form of rejection of proof, and it ends up with a phrase warning the claimant that, subject to the power of the court to extend the time, no application to reverse or vary the liquidator's decision in rejecting the proof will be entertained after the expiration of —— days from the date of the notice of rejection. Now, r. 106 gives a twenty-one day limit in the case of a compulsory liquidation, but no limit in any other liquidation, while r. 105, which applies to every liquidation, refers to Form 61, which contemplates a time limit.

What is one to do? There are two schools of thought; the pupils of one give notices of rejection in a voluntary winding up without any warning as to a time limit, believing that there is no time limit, and the pupils of the other give notices of rejection in such case with a notice as to a twenty-one day limit, on the ground that by analogy there must be such a limit. Perhaps it would be unfair to suggest a third school, which gives a time limit, because the only form of a notice of rejection in the rules has one, without ever considering whether it applies to a voluntary winding up or not.

It seems to the writer plain that there is no time limit at all in a voluntary winding up within which a disgruntled creditor

or contributory must appeal to the court against the decision of the liquidator with regard to a proof, and that such a person has an absolute right at any time prior to dissolution to appeal to the court. To put any other construction on the rules would seem to ignore an implication, as obvious and necessary as any implication could ever be, arising from the last part of r. 106. Such a result is, perhaps, somewhat unexpected, and not by any means satisfactory.

What is a liquidator to do in these circumstances? A person puts in a claim in the liquidation which the liquidator rejects. He may have done so either because he is advised that the claim is inadmissible or because he is advised that its admissibility is doubtful. In the latter event he is perfectly justified in rejecting the claim—the proper way of getting any such question of doubt decided is for the liquidator to reject the claim, and let the creditor take the responsibility of commencing proceedings.

Now, suppose the claimant whose claim has been rejected takes no further steps to get his proof admitted. In a compulsory liquidation he is shut out from appealing to the court unless he does it within twenty-one days of the date of service of the notice of rejection; and though, of course, the court has power to extend the time, for the purpose we are not considering, this power need not be further considered. But in a voluntary liquidation there is no such time limit; and what is the liquidator to do about distributing the assets?

Is he to ignore the claim and distribute the assets as if such claim never existed? It must be remembered that he has notice of the claim and that it might be said that he is personally liable where he distributes the assets without providing for the claim. In this connection the case of *Re Kit Hill Tunnel*, 16 Ch. 590, may be looked at. There a creditor was entitled to certain security, on which he was originally content to rely. In the events that happened he ceased to want to rely on the security and sought leave to prove on the basis that he did not disturb past dividends. It was admitted that he could only prove on this basis, but the decision is, nevertheless, of some value as putting the matter beyond doubt.

So that if he had come in to prove after all the assets had been distributed he would have got no further. But the facts of that case differed from the proposition I have put because the creditor had deliberately refrained from proving because he thought such a course would be unnecessary. Here the claimant is not testing the liquidator's decision, but he may, apparently, do so at any time.

One course is undoubtedly open to the liquidator. He may take out a summons asking for leave to make a final distribution without regard to the claim in question. Such a summons would have to be served on the claimant, and might, perhaps, drive him to take proceedings by way of appeal from the liquidator's rejection of his proof. Where an order is made on the summons the liquidator cannot be personally liable for distributing in accordance with it.

But need the liquidator go to such trouble and expense? Suppose he were to give the claimant notice that he was proposing to distribute the assets within some fixed time without regard to the claim unless proceedings were taken to establish it within that time. Could a claimant stand by until the assets had been distributed and then make a claim against the liquidator personally? It is submitted that such a claim could not succeed. If any other result were possible voluntary liquidations might be prolonged almost indefinitely; and once a claim has been rejected by a liquidator it must be treated as not being a liability in the liquidation until the court otherwise orders.

BLACKSTONE PRIZES.

Blackstone Prizes of £105 each (twelve of which are offered annually to students of the Middle Temple by the Masters of the Bench) have been awarded to Mr. F. T. Willey and Mr. F. H. Dean, on the results of the recent Bar Examinations.

A Conveyancer's Diary.

Easements of Rights of Way.

Some questions upon the law relating to easements were before the court in the recent case of *Todrick* v. *Western National Omnibus Co., Ltd.* [1933] W.N. 251.

The main points were whether it is essential to the validity of an easement of a right of way that it should lead directly to the dominant tenement, and as to what it is necessary to show in order to establish excessive user. Apart from those matters, the learned judge made some interesting observations on the general law on the subject.

The plaintiff was the owner of a house and adjoining land. To the south of the house was a roadway leading from the west from a highway to garages at the eastern end. These garages were on the north side of the road and below its level, and belonged to the plaintiff. The roadway, if extended, debouched on land to the south-east of the garages, which land was the property of the defendants. The roadway was on a higher level than the plaintiff's land, and the defendants' property was a rocky mound, the top of which was level or nearly level with and abutting on a high road on the southern boundary. The defendants acquired their property from the former owner of the plaintiff's land, with a right of way over the roadway and a power to extend it on to the land purchased. This power of extension was varied subsequently to this extent, namely, that instead of impinging directly on to the land purchased, the power was given to extend on to land to the north thereof. This diversion of the original line brought the extension over a small strip of land which was then the property of the grantor of the right of way, but now belonging to the plaintiff. The defendant company built a garage for their omnibuses and made a ramp in extension of the roadway as an approach for their vehicles. The top of the garage was used as a departure station, being on a level with the highway to the south and south-east of their property, but the roadway and ramp only gave access to the garage below and were only used for that purpose.

On the first point, Farwell, J., held that the original grant would have been a good easement of a right of way, but the subsequent variation was such that it was not a right of way on to the dominant tenement but to land north of it. There was thus no legal easement, but merely a personal licence granted by the vendor, which ceased when he parted with the land. The defendants' ramp was therefore a trespass on the plaintiff's land.

In the course of his judgment his lordship observed that in considering whether there was a valid easement or not, two things must be borne in mind. First, an easement, if it were to be strictly speaking an easement, must be appurtenant to some definite land or property; and second, it must be intended to be used and enjoyed in connection with the land to which it was appurtenant.

The learned judge referred to the two well-known cases of *Ackroyd* v. *Smith* (1850), 10 C.B. 164, and *Thorpe* v. *Brumfit* (1873), L.R. 8 Ch. 650.

In the former case the defendants in an action of trespass *quare clausum fregit* pleaded a conveyance to A of a certain close together with the right and privilege to and for the owners and occupiers of the premises conveyed and all persons having occasion to resort thereto of passing and repassing "for all purposes" over a piece of land adjoining the close, a conveyance by A to themselves of the same close and its appurtenances and a user by themselves "for their own purposes." The plaintiff succeeded on the ground that the grant was not restricted to the use of the way for purposes connected with the land conveyed.

In *Thorpe* v. *Brumfit* the facts were, shortly, that P was the owner of an inn, the yard of which was approached from a highway by a passage over adjoining property of M. P and M agreed to alter their boundary and substitute a new passage

for the old one. M accordingly conveyed to P a small strip of land reaching across the end of the new passage, where it entered the yard, and granted to P a right of way over the new passage which ran into the strip of land so conveyed which was intended to be, and was, thrown into the yard so as to form part of it. P released his right over the old passage. The action was by the lessee of P against the tenants of M to restrain them from obstructing the new passage. It was held that the right of way over the new passage was not a right in gross but was appurtenant to the inn, James, L.J., saying that the grant must be construed reasonably as meaning a right of way between the highway and the yard of the inn of which the grantees were the owners, the piece of land conveyed to P not being intended to be held as a separate property, but only granted for the purpose of being thrown into the yard. Mellish, L.J., pointed out that in *Ackroyd* v. *Smith* the close to which it was sought to make the way appendant was not at the end of the road, and that the purposes for which the right of way was granted were to a great extent unconnected with the use of the close to which that right was claimed as appurtenant.

Farwell, J., considered in the instant case that the easement of a right of way must lead directly on to the land to which it was appurtenant, and he said that if *Ackroyd* v. *Smith* did not decide that, *Thorpe* v. *Brumfit* did.

It seems, therefore, that a right of way to pass as appurtenant to land must not only be intended to be used for the benefit of that land but must lead directly on to it.

With regard to excessive user of a right of way the authorities are numerous and not always easy to reconcile.

The defendants in *Todrick* v. *Western National Omnibus Co.* seem to have relied upon *White* v. *Grand Hotel, Eastbourne* [1913] 1 Ch. 113, where it was held that a right of way granted for general purposes is not to be restricted to access to the land merely for such purposes as were reasonably required at the date of the grant; therefore, a right of way for general purposes to a private dwelling-house is not affected by the house being turned into an hotel.

That case followed *United Land Company* v. *Great Eastern Railway Company* (1875), L.R. 10 Ch. 586.

The facts there were that lands were bought by the Crown under an Act enabling the Crown to buy lands for the purpose of fortifications, but providing that the lands were not to be built upon or sold. By an Act authorising a railway to be made through those lands the railway company were obliged to make level crossings giving access to part of the lands then a marsh or pasture. The Crown, under the authority of a subsequent Act of Parliament, sold a part of the lands and the purchasers proposed to build houses thereon. It was held by the Court of Appeal that the purchasers could build houses thereon and that the occupiers would be entitled to make use of the level crossings, but not so as to prevent the company from using the railway for the reasonable working of their traffic.

It seems clear from the judgments that the question is one of construction, but that where there is a grant of a right of way for general purposes, the right is not in the absence of some restrictive context to be confined to such user as was required at the time of the grant.

James, L.J., however, indicated that the court would take into consideration the circumstances of the case, the situation of the parties, and the situation of the land, and Farwell, J., relying upon that, held in *Todrich* v. *Western National Omnibus Co.* that " In the circumstances of the present case and on the evidence, the user of this country lane (for it was nothing more) by motor omnibuses was not such a user as could be justified by the terms of the grant."

It appears, therefore, that what has to be considered is the terms of the grant, the intention of the parties when the grant was made, the circumstances of the case, and the situation of the parties and of the land.

In " Gale on Easements," at p. 548, the law is summed up as follows: " According to the present state of the authorities it appears that the grantee of a right of way is not entitled to increase the legitimate burden. But, on the other hand, the legal extent of his right may entitle him to increase the amount of inconvenience imposed upon the servient tenement, e.g., by placing on the dominant tenement new buildings or increasing the size of old buildings. And the legal extent of the right (in other words, the limit of the legitimate burden) must, it seems, be ascertained from the intention of the parties at the time when the right was created."

The difficulties in applying the law as so stated to the facts of any particular case are obvious.

Landlord and Tenant Notebook.

Simpson v. Charrington & Co. Limited.

Two points came up for decision in this case, the one relating to a substantive provision of L.T.A., 1927, the other a practice point. The substantive provision is s. 4 (1) (*c*), which qualifies or purports to qualify the right to compensation in the case of licensed premises. The practice point concerned the validity of a notice claiming a new lease and monetary compensation in the alternative. While accepting the description " secondary " applied to this point by Mr. Merlin at the recent Referees Association meeting (reported 77 Sol. J. 781), I propose, on the principle of the greatest good to the greatest number, to discuss it first; the primary point, affecting as it does only those readers who have (professional) dealings with publicans and brewers, is not of primary importance.

To state briefly the position of a tenant entitled to claim in respect of goodwill: he can always claim monetary compensation (s. 4 (1)), and he can, if *in addition to* the conditions qualifying him for monetary compensation one other condition obtains, claim a new lease instead (s. 5 (1)). The additional condition is (briefly again) that if he were given the monetary compensation and moved he would still be a loser.

Naturally many practitioners have been confronted with this problem: a tenant is able to prove that valuable goodwill has become attached to the premises by the business done by himself and his predecessors; he wants a new lease; he thinks he can prove that owing, for example, to the scarcity of suitable alternative accommodation the payment of compensation representing the added value would not in fact compensate him; but he is not sure—and indeed, apart from other considerations, the fact that notice, in the case of a periodic tenancy, has to be given twelve months before the expiration, makes it difficult to say what the effect of having to move will be. His solicitor will, of course, be only too glad to advise him to claim a new lease, " or alternatively " monetary compensation.

But when the language of the statute is examined, it appears that s. 5 (1), which reads like a clumsy attempt to create rights and remedies in the same breath, speaks of a notice of a claim for a new lease *in lieu of* a claim for compensation. And when the text-books on the subject are examined, it appears that those writers who do not ignore the matter incline to the view (indeed, some are rather emphatic about it) that the tenant must elect at the outset—one author, however, suggests that the election might take place later. (The difficulty is, of course, due to the confusion of substantive rights and forensic machinery in s. 5 (1); a right (to compensation) is suddenly contrasted with a matter of procedure (the notice)).

The judgment of Scrutton, L.J., in *Simpson* v. *Charrington Limited* rejects these theories. His lordship considered that to uphold them would be to defeat consideration of merits by invoking technicalities. So, in suitable cases, it will (at all

events pending a decision to the contrary by the House of Lords) now be possible to serve a notice in alternative form.

This does not, however, put an end to all the difficulties which confront a claimant in this position. It has been decided by a Divisional Court in *Smith* v. *Metropolitan Properties Co. Ltd.* [1932] 1 K.B. 314 (in which, incidentally, two notices were served), that no proceedings in the case of a claim for monetary compensation can be launched till after the lease expires, for the right does not accrue till then. While, if a new lease is asked for, the plaint must be entered before the lease ends (in the case of a periodic tenancy, three months before it expires). And while the fact that in certain circumstances, namely those in which the landlord may defeat the claim for a new lease by proving intention to demolish and the like, the tribunal may assess and award compensation, was referred to by Scrutton, L.J., in *Simpson* v. *Charrington*, as a ground for rejecting the "technical" argument, the same fact when advanced by the tenant's counsel in *Smith* v. *Metropolitan Properties Ltd.*, was considered irrelevant to the question when compensation was due.

Hence, it is still an open question whether, if a tenant having served an alternative notice, or two notices, actually takes proceedings for a new lease and fails merely on the ground that he cannot prove that compensation would not compensate him, he can after the expiration of his lease launch a claim for monetary compensation. I do not think that there could be any objection in the circumstances outlined. If the first claim were disallowed on the ground that the landlord had, under s. 4 (1) (*b*), made a reasonable offer pursuant to s. 4 (1) (*b*), the second claim might be barred as *res judicata*; if in the first action the burden of proving goodwill were not discharged, the second claim would not be so barred, as goodwill might have accrued since—but in practice it is unlikely.

The other point arose out of the ruling, by the courts below, that the effect of s. 4 (1) (*c*) was that a tenant of licensed premises who did no other business than selling liquor could not qualify for compensation at all. The proviso runs: "In the case of licensed premises the sum payable as compensation . . . shall not include any addition to the value of the premises attributable to the fact that the premises are licensed premises"; and Lord Justice Scrutton, in his judgment, makes very short work of this enactment, pointing out, in effect, that if premises were licensed throughout the term there could be no such addition, and if the license were granted during the term the addition still would not come within the definition of goodwill giving rise to a claim.

His lordship also based his view on the fact that the new Rent etc., Act, 1933, both decontrols on-licensed premises and gives statutory tenants whose tenancies it decontrolled the rights they would have had under L.T.A., 1927. (I cannot agree that this part of the judgment in any way affects the question discussed in the "Notebook" of 14th October, whether the rights of business tenants are extended to residential tenants; this matter was outside the purview of the judgment.) The learned lord justice refuses to consider Parliament capable of taking away what it has just given. True, the tenant of decontrolled licensed premises is or was entitled to a month's notice like the decontrolled "Class A" tenant, but, with all due deference, it does not seem impossible that Parliament in passing sub-s. (6) either forgot sub-s. (3) or meant to benefit "Class A" only. To except a sub-species is nothing new.

Simpson v. *Charrington* also contains an interesting discussion and analysis of "goodwill," which I must defer dealing with till a later occasion.

Mr. Henry Cecil Chalker, solicitor and notary public, of Wakefield, left estate of the gross value of £53,805, with net personalty £41,519. He left £100 to the vicar and churchwardens of St. Helen's Church, Sandal, for charitable objects connected therewith.

Our County Court Letter.

THE RIGHTS OF DEBENTURE-HOLDERS.

In the recent case, at Manchester County Court, of *Barratt* v. *Myers*, the claim was for the repayment of £50, on the following grounds: (1) the plaintiff was the receiver for the debenture-holders of the Manchester Pool Club Limited, which had been incorporated (in 1932) for the purpose of running a totalisator; (2) this was declared to be illegal (last December), whereupon it was decided to continue as a credit investment business, and the defendant was one of a special committee; (3) nevertheless the premises had been used for the purposes of betting, and—as the defendant had been fined £25—he was paid £100 by the directors; (4) the defendant admitted having paid his own fine, and that of another director (£50 altogether) out of the above £100; (5) the money should not have been so used, as the directors had no right to authorise such a payment, and the amount was recoverable as an asset charged by the debentures. The defence was that (*a*) an agreement had been made to keep a place to which persons might resort for betting—in breach of the Betting Act, 1853, and (*b*) anything arising out of an illegal contract or consideration was itself tainted, and no action would lie for the recovery of any sum—such as that claimed. His Honour T. B. Leigh observed that, in spite of the advice of the company's solicitor (which was recorded in the minute book), the money had been paid in full knowledge of the use to which it would be put. As this was an illegal purpose, no action could be brought for repayment, and judgment was accordingly given for the defendant, with costs.

LIABILITY FOR ARREARS OF RENT-CHARGE.

In the recent case at Retford County Court, of *Governors of Read's Grammar School* v. *Smith*, the claim was for £45 15s. 4d., being eleven years' arrears of rent-charge. The plaintiffs' case was that: (1) by the will of Charles Read (who died in 1669) a rent-charge of £97 10s. 10½d.—due from the owner of the Folkingham Estate—was left upon trust in equal moieties between Corby Grammar School and Tuxford Grammar School; (2) the estate was in one ownership until 1920 (when it was sold in lots), and the rent-charge was then apportioned; (3) the defendant had paid £7 4s. 4d. in 1926, but the above balance was outstanding. The defendant's case was that: (*a*) negotiations had continued for eleven years, and the amount of arrears (if any) was only for nine years; (*b*) no demand had been made for three years, and (as the school had ceased to exist) the claim had lapsed. His Honour Judge Hildyard, K.C., observed that—whatever had happened to the school—the trustees still existed, and judgment was therefore given in their favour, with costs.

THE TITLE TO ENDOWMENT POLICIES.

The effect of the payment of premiums by a parent, on behalf of a child, was recently considered at the Manchester Chancery Court, in *Clarkson* v. *Walker*. The plaintiff claimed a declaration that he was entitled to an endowment policy, on the following grounds: (1) the policy was originally upon his own life, but was converted into an endowment policy, payable to himself at the age of fifty; (2) the policy was taken out in 1917 by the defendant (his mother) who had since paid the annual premiums of £20; (3) in 1922 the defendant obtained a divorce (from the plaintiff's father) but married again in 1926; (4) on the 15th November, 1930, the plaintiff attained the age of twenty-one years, and had since had disagreements with his step-father, the defendant's husband. The defendant's case was that, although she had intended to benefit her son (the plaintiff) she was nevertheless entitled to a lien upon the policy, by reason of her payment of the premiums. The Deputy Vice-Chancellor, Mr. R. Peel, K.C., held that there had been a complete gift of the policy, and judgment was therefore given for the plaintiff, with costs.

In Lighter Vein.

THE WEEK'S ANNIVERSARY.

Sir James Mansfield—not to be confused or in any way connected with the great Lord Mansfield—was born in 1733, the son of an attorney. In due course he was called to the Bar at the Middle Temple, took silk and entered Parliament. In 1780, and again in 1783, he was Solicitor-General, but after that fortune forgot him for a long space, and when next year he lost his seat in the House of Commons, he had twenty years to wait before reaching the honourable climax of his career. It was only in 1804 and when he was seventy-one years old that he succeeded Lord Alvanley as Chief Justice of the Common Pleas, being also created a Serjeant for the purpose of promotion to the Bench. For the customary rings, the motto which he chose was "*Serus in cælum redeas.*" Unfortunately, age had by this time sharpened his temper, and though he presided in his court for ten years without actually disgracing himself as a lawyer, he was too old to earn distinction as a judge. He was practically teased into resignation by the ill-natured leaders of the day, who amused themselves by goading his irritability into muttered imprecations. He died on the 23rd November, 1821.

LATE NIGHTS.

At the opening of the Lincoln Assizes the Commissioner, Sir Ellis Hume Williams, K.C., clearly explained that it was in no spirit of protest or complaint that, at the Leicester Assizes, he had requested counsel to try to finish a particular case in a reasonable time, mentioning that the court had been sitting rather late, once till 8 o'clock. Hours, late beyond the imagination of these days, were once the normal thing on circuit. Even Hawkins, J., so prompt to rise in town, seemed tireless then. On one great night at Nottingham, "even javelin-men fell asleep with their spears in their hands; the marshal dozed in his chair; ushers leaned against the pillars which supported the gallery, while witnesses rubbed their eyes and yawned as they gave their evidence." At five, the jurors in waiting had been dismissed till seven. At that hour the Bar, detained within the precincts of the court, had adjourned their mess for dinner from the George Hotel to the vacant room of the second judge, who had gone away. At ten, Hawkins left the court for a moment to take a cup of tea, coming back to the scene of labours interrupted by the sounds of distant revelry. At last, at twenty to one, he shut his book with a bang. "I shall not sit here any longer to oblige anyone," he exclaimed, and trumpets announced the rising of the court.

RATHER TECHNICAL.

In Sioux City, sentence has just been passed on the originator of a pretty swindle, whereby divers trusting American investors were induced to sink £300,000 in pursuing the golden hope of a vast inheritance supposed to have been left by Sir Francis Drake and to be still lying in England ready for its rightful claimants. A delightfully drafted document which helped to fortify their confidence begins as follows: "To the lawyers of the Drake estate: I, the Lord Chancellor, representing the above estate, do hereby give you notice of an extension of the date of settlement . . . The Archbishops and bishops desire a further extension owing to the smaller tenants being unable to call in moneys because of the harvest sale of stock at the usual autumn fairs." It concludes by naming "the Settlement date October 21, in the Year of Our Lord 1927, at your office, at twelve by the clock, without further notice whatsoever. (Signed) Lord High Chancellor for His Majesty." A little "legal" language goes a long way. Not long ago, at the Leeds Assizes, in a bigamy case, there was produced a very impressive document with which the accused had reassured her second husband. It declared that "under the Infant Protection Act of 1902, Jennie Mellor is now free to participate in any union in matrimony and has been granted a decree of absolution drafted under a clause in an Act of George IV, D.D. Om. Rep. Rex." The signature "Swift and Rigby, accountants at law," rounded off the composition which was alleged to embody a decree of "Mr. Justice McCarthy, K.C., C.B., A.C."

Obituary.

MR. J. C. S. SANDEMAN, K.C.

Mr. James Condie Stewart Sandeman, K.C., Sheriff of Perth, died at Edinburgh on Saturday, 11th November, in his sixty-seventh year. He was educated at Perth Academy and Edinburgh University, and was called to the Scottish Bar in 1889. He took silk in 1909, and was appointed Sheriff of Perth in 1920. He was formerly Dean of the Faculty of Advocates.

MR. J. A. R. CAIRNS.

Mr. J. A. R. Cairns, Metropolitan Police Magistrate, died at his home at Walton-on-Thames on Friday, 10th November, at the age of fifty-nine. He was educated at the Royal Academical Institution and Queen's College, Belfast. He began his career as a Free Church Minister, and it was not until 1908 that he was called to the Bar by the Middle Temple and joined the North-Eastern Circuit. During the war he was a Military Service (Civil Liabilities) Commissioner, and in 1918 he contested the Totnes Division of Devon as a Liberal. He was appointed a Metropolitan Magistrate in 1920, remaining at Thames Court until 1930, when he was transferred to the South-Western; after a short while at Marylebone, he went to Westminster in 1933. He was responsible for several publications on matters connected with his magisterial duties.

MR. J. C. PHILLIPPS.

Mr. John Clement Phillipps, solicitor, of Manchester, died recently at Penrith. Mr. Phillipps, who was admitted in 1902, was a solicitor to the L.M.S. Railway Company, and was attached to the company's headquarters at Manchester.

MR. H. SMITH.

Mr. Henry Smith, solicitor, of Lincoln's Inn Fields, W.C., died on Friday, 10th November, at the age of seventy. Mr. Smith, who was admitted a solicitor in 1888, was a member of the firm of Messrs. Long & Gardiner, of Lincoln's Inn Fields.

Correspondence.

[*The views expressed by our correspondents are not necessarily those of* THE SOLICITORS' JOURNAL.]

Limited Company Pretending to be a Solicitor.

Sir,—The Law Society's efforts to convince the court that a limited company can pretend to be a solicitor calls to mind the note handed down from the judicial bench to Sir Herbert Jekyll who was cross-examining a not very attractive female in a more or less hopeless effort to establish that a tender had been duly and lawfully made.

His lordship's note ran thus:—

"Jekyll forebear,
That tough old jade
Will never prove
A tender made (maid)."

In these days could anyone seriously imagine that a limited company could be a solicitor?

CHARLES L. NORDON.

King William Street, E.C.4,
11th November.

Reviews.

The Trial of William Herbert Wallace. Edited by W. F. Wyndham-Brown, Barrister-at-Law, of the Middle Temple, and of the Northern Circuit. 1933. Demy 8vo. pp. 320. London: Victor Gollancz, Ltd. 10s. 6d. net.

Lawyers and criminologists will be glad to have available the full text of this very remarkable trial. Here may be studied at leisure the evidence which was held insufficient by the Court of Criminal Appeal, for the first time quashing a conviction of murder. In an introduction of nearly forty pages, the most important aspects of the case are carefully discussed, but in the mind of every reader the whole thing must remain a mystery. The circumstances of the murder seem to belong rather to the realm of detective fiction than of fact, not the least extraordinary point being the character of the accused man, placid, good-natured, thoughtful, introspective, apparently a loving partner in a remarkably happy marriage of the quietest suburban provincial description, contrasted with the atrocious, premeditated and seemingly motiveless crime which shattered his little home. Within two years of his release, Wallace was dead, and his case remains a sort of "Edwin Drood" among trials, to which anyone may append the ending that the circumstantial evidence seems to him to indicate, but which no one will ever solve in fact.

Frauds and Swindles. By Maurice C. Moore. 1933. Demy 8vo. pp. ix and 99. London: Gee & Co. (Publishers), Ltd. 3s. 6d. net.

Although primarily intended for the use of traders, this little book which outlines agreeably and readably an astonishing number of subtle rogueries should be of distinct use to the lawyer who has to advise the victims of such practices. Even if one horse be stolen you can lock the stable door before the other stalls are empty. The book contains some sensible comments on the law of "imprisonment for debt."

Books Received.

Classified List of Schools approved by the Secretary of State under the Children and Young Persons Act, 1933. London: H.M. Stationery Office. 9d. net.

Herbert Fry's Royal Guide to the Principal London and other Charities. 1933. Crown 8vo. pp. lii and 293. London: The Churchman Publishing Co., Ltd. 2s. net.

A Handy Guide to and Explanation of the Rent Acts, 1920 *and* 1923 (with Supplement containing a Tabulated Explanation of the New Rent Act, 1933). Second Edition. By J. St. L. Stallwood, Solicitor. Reading: The Reading Newspaper Co., Ltd. 1s. net.

Gibson's Practice of the Courts. Fifteenth Edition. 1933. By Arthur Weldon, Solicitor, and Robert Lee Mosse, a Master of the Supreme Court. Royal 8vo. pp. xxxv and (with Index) 292. London: The "Law Notes" Publishing Offices. £1 1s. net.

The College of Justice. By Robert Kerr Hannay, M.A., LL.D. 1933. Demy 8vo. pp. xv and (with Index) 176. Edinburgh and Glasgow: William Hodge & Co., Ltd. 7s. 6d. net.

Sweet & Maxwell's Diary for Lawyers for 1934. Forty-second Edition. Edited by Philip Clark, of the Central Office, Royal Courts of Justice. London: Sweet & Maxwell, Ltd. 6s. 6d. net.

Lectures and Transactions of the Incorporated Accountants' Students Society of London and District, 1932–33. Demy 8vo. pp. xiii and 224. London: Incorporated Accountants' Students Society. 3s. 6d. net.

Notes of Cases.

House of Lords.

St. James' and Pall Mall Electric Light Co. *v.* **City of Westminster Assessment Committee.**

9th November, 1933.

Rating—Electricity Undertakings—Transfer to Joint Authority—Sinking Funds to Replace Capital out of Revenue—"Profits Basis" of Valuation—Exclusion of Contributions to Sinking Funds from Receipts.

This was an appeal from a judgment of the Court of Appeal reversing the decision of the Divisional Court on a special case stated under the Valuation (Metropolis) Act, 1869.

The question was whether in arriving at the gross and rateable values of the appellants' hereditaments for the purpose of their assessment to rates, certain sums which they were under a statutory obligation to set aside annually in order to provide two sinking funds and interest thereon should be excluded from the gross receipts or allowed as a deduction therefrom. The payments required to be set aside annually out of revenue to provide the sinking fund were the value of any physical assets transferable to the joint authority free of charge, and other similar items. The appellants set aside each year out of the revenue of their undertaking the amounts required to be contributed to the sinking fund, and they now contended that those amounts should be excluded from their receipts or allowed as a deduction therefrom in arriving at the rateable values of the hereditaments. The Court of Appeal held that in arriving at the rateable value of the undertaking on the "profits basis," the sinking fund payments were not to be deducted from the profits. The St. James' and Pall Mall Electric Light Company now appealed.

Lord Atkin, in giving judgment, said the question was whether the amounts provided yearly for the provision of the two sinking funds should be deducted before the ascertainment of the hypothetical sum to be divided between the tenant and the landlord. In his opinion the Court of Appeal was right in concluding that it should not be deducted. The sums in question had nothing to do with the expenses of earning the gross receipts or with repairs. They plainly related to the application of the balance by the undertakers either as hypothetical tenant or as hypothetical landlord. They were irrelevant to the calculation of rent on the "profits basis," or, indeed, on any basis, and did not enter into the picture at all. The particular application of the receipts when once ascertained was immaterial. In his opinion the contention of the appellant failed and the appeal should be dismissed, with costs.

Lords Warrington, Tomlin, Russell and Wright concurred.

Counsel: *Wilfrid Greene*, K.C., and *Colin H. Pearson*; *W. E. Tyldesley Jones*, K.C., and *Harold Murphy*.

Solicitors: *Sydney Morse & Co.*; *Allen & Son.*

[Reported by S. E. Williams, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

The Law Society *v.* **United Service Bureau, Limited.**

Avory, J., Charles and Lawrence, JJ. 9th November, 1933.

Solicitor—Offence under Solicitors Act—Whether Limited Company able to Commit—No Practising Certificate Possible—Corporate Body not a "Person"—Corporation Entitled to Act—Legislative Omission—Solicitors Act, 1932 (22 & 23 Geo. 5, c. 37), s. 46—Interpretation Act, 1889 (52 & 53 Vict., c. 63), s. 2 (1), s. 19.

This was an appeal by case stated from a decision of Mr. Mead at Marlborough-street Police Court.

Two informations were preferred by the present appellants, The Law Society, under s. 46 of the Solicitors Act, 1932, against

the respondents, United Service Bureau, Limited, of Regent-street, S.W., alleging that they on the 2nd and 10th March, 1933, not then having in force a practising certificate, wilfully pretended to be solicitors. It was proved or admitted before the magistrate that the respondents, through their governing director, Mr. G. Russell Parish, on behalf of third parties, wrote letters to Mr. W. A. C. Davies, and to his solicitors, dated the 2nd and 10th March, 1933, which, in the submission of the appellants, were contraventions of s. 46 of the Solicitors Act, 1932. The respondents had not in force a practising certificate. It was contended for the appellants that although the defendant company could not practise as solicitors, they could, on the other hand, wilfully pretend to be qualified to act as such, particularly in view of ss. 2 and 19 of the Interpretation Act, 1889. For the respondents it was contended that they did not by either of those two letters wilfully pretend to be qualified to act as a solicitor, and that a corporation could not be guilty of an offence under s. 46 of the Solicitors Act, 1932. The magistrate, whose attention was drawn to *Pharmaceutical Society* v. *London and Provincial Supply Association, Ltd*, 5 App. Cas., 857, dismissed the informations. The Law Society now appealed.

AVORY, J., said that the only question with which they were concerned was whether a corporation could be guilty of an offence under s. 46 of the Solicitors Act, 1932. They had nothing to do at that stage with the question whether, on the facts, an offence had been committed. Did the expression "any person" in s. 46 include a corporation or a limited company? That question resolved itself into an inquiry whether, in applying s. 2 of the Interpretation Act, 1889, the court had to include a body corporate within s. 46, or whether a contrary intention appeared. It was clear beyond all possibility of argument that a corporate body could not be admitted as a solicitor. It could not pass the final examination provided for by the Act of 1932, and, therefore, could not apply to be admitted, nor be admitted as a solicitor. It was obvious that a corporate body could not be qualified under s. 43 of the Act, and could not have in force a practising certificate within s. 46. If he were right in thinking that s. 46, by its very words, contemplated that the person who committed the offence there provided against meant some person who could have in force a practising certificate, it was clear that the corporate body in the present case could not come within the word "person" in s. 46. He quite recognised that in adopting that construction of the section the court were not giving full effect to the argument on behalf of The Law Society, based on the mischief which was aimed at by the Act and particularly by s. 46 of it, because there was no doubt that a corporate body could wilfully pretend to be qualified to act as a solicitor. The real reason for the difficulties created by the present decision was that the Legislature must have overlooked the fact that a corporate body might do that which was forbidden by s. 46 of the Act. In other words, there was no provision in the Act dealing with such a case as the present, and the appeal must be dismissed.

CHARLES and LAWRENCE, JJ., gave judgments to the same effect.

COUNSEL: *Roland Burrows*, K.C., and *W. M. Andrew*, for The Law Society; *H. G. Strauss* for the respondents.

SOLICITORS: *C. O. Humphreys & Son*; *W. G. Street & Co.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

High Court—Chancery Division

Perrott & Perrott Limited *v.* Stephenson.

Bennett, J. 27th October, 1933.

COMPANY—GOVERNING DIRECTORS—APPOINTING ADDITIONAL DIRECTORS—MAJORITY—CONSTRUCTION OF ARTICLES OF ASSOCIATION.

A resolution having been passed on the 16th September, 1933, by two of the three governing directors of the company appointing two additional directors, the company sought declarations that the appointment was invalid and that in Art. 90A of the Articles of Association the words "the opinion of the governing director or directors" meant the unanimous opinion of all the governing directors. The relevant articles were as follows:—"90A. The governing directors shall have power from time to time and at any time to appoint and remove at will additional directors and to define and limit their powers and duties, provided that the total number of directors shall not exceed the prescribed maximum. . . . In all questions arising, the opinion of the governing director or directors shall prevail. 114. The directors may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings as they think fit and determine the quorum necessary for the transaction of business. Until otherwise determined, two directors, one of whom must be a governing director, shall be a quorum. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. . . . 117. A committee may elect a chairman of their meetings. If such a chairman is not elected, or if at any meeting he is not present within five minutes after the time appointed for holding the same, the members present shall choose one of their number to be chairman of the meeting."

BENNETT, J., in giving judgment, said that the question whether two governing directors could appoint additional directors against the will of a third turned on the construction of Art. 90A. The rule in *Grindley* v. *Barker*, 1 Bos. & P. 229, 236 and *Withnell* v. *Gartham*, 6 Term. Rep. 388, 398, that when a duty is delegated to a body of persons, they can act at a meeting by a majority, did not apply to articles of association of companies incorporated under the Companies Act, and was limited to cases in which the duty performed by the corporation was of a public nature. The question here, therefore, depended on the words of the articles. Contrasting Art. 90A with Arts. 114 and 117, his lordship held that this power must be exercised by all the governing directors.

COUNSEL: *Gavin Simonds*, K.C., and *Lindon*; *Topham*, K.C., and *Vernon*.

SOLICITORS: *Tamplin & Co.*; *Kimbers, Williams & Co.*

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

In re Caus: Lindeboom *v.* Camille.

Luxmoore, J. 1st and 6th November, 1933.

WILL—GIFT FOR MASSES—VALID CHARITABLE GIFT—RELIGIOUS ACT—ENDOWMENT OF PRIESTS—RELIGION ADVANCED.

The testator, a Roman Catholic priest, gave by his will "£1,000 for Masses, foundation and others" and four houses "for one foundation Mass a month to be said for my soul and the souls of my parents and relatives during the space of twenty-five years." The question was whether these were valid charitable gifts.

LUXMOORE, J., in giving judgment, said that, as to the precise nature of the Mass and the actual destination of gifts for the saying of Masses, it had been agreed to accept the evidence given in *Attorney-General* v. *Delaney*, Ir. L.R. 10, C.L.R. 104, and set out in the judgment in *O'Hanlon* v. *Logan* [1906] 1 Ir. R., at p. 247. On this description there was no room for doubt that gifts for Masses were charitable, in the sense derived from the Statute 43 Eliz., c. 4, the object being for the advancement of religion and the contrary view expressed in *West* v. *Shuttleworth*, 2 My. & K. 684, and *Heath* v. *Chapman*, 2 Drew 417, being based on insufficient information as to the nature of the rite and the purpose of the payments. These decisions were contrary to the whole current of authority as to gifts for the advancement of religion. The decision in *West* v. *Shuttleworth* (*supra*) that such a gift was void as a superstitious use was overruled in *Bourne* v. *Keane*, [1919] A.C. 815, and though it was not decided whether the

gift was charitable, passages in the speeches of Lord Birkenhead L.C., Lord Atkinson and Lord Parmoor support that view. Gifts for Masses were valid charitable gifts, first, because they promoted a ritual act recognised by a large proportion of Christian people as the central act of their religion, and secondly, because they assisted in endowing priests who performed that act. Thus religion was advanced and it was no objection in law that the religion advanced was a particular form of the Christian religion. Both gifts were valid charitable gifts.

COUNSEL: *G. D. Johnston; H. B. L. Braund* and *L. R. Norris; Stafford Crossman*, for the Attorney-General.

SOLICITORS: *John B. Borer*, agent for *Josiah Hincks*, of Leicester; *H. Linley; Treasury Solicitor.*

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

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Societies.

The Law Society.

PROVINCIAL MEETING, 1934.

The Council of The Law Society have accepted the invitation of the Newcastle-upon-Tyne Incorporated Law Society to hold the Annual Provincial Meeting for 1934 at Newcastle upon-Tyne.

Inner Temple.

GRAND DAY.

The Treasurer (Sir William Hansell, K.C.) and the Masters of the Bench of the Inner Temple entertained at dinner on Wednesday, 15th November, being the Grand day of Michaelmas Term, the following guests: Lord Hugh Cecil, the Bishop of London, Lord Merrivale, the Hon. Gilbert Coleridge, Sir Walter Riddell, the Treasurer of Gray's Inn, Sir Nigel Playfair, the President of The Law Society, Sir Arthur O. Jennings, Mr. R. W. Bankes, the Astronomer Royal, the Master of Clare College, Cambridge, the Master of the Temple, Mr. Eric Pearce Gould, Mr. F. C. Goodenough, Professor Felix Frankfurter, Mr. Sydney Tatchell, Mr. A. Armstrong-Willis, Mr. R. A. Roberts, the Reader, and the Sub-Treasurer.

The following Masters of the Bench were present: The Archbishop of Canterbury, Sir Francis Taylor, K.C., Sir Sidney Rowlatt, Mr. Justice Avory, Viscount Sumner, Sir Lancelot Sanderson, Mr. Howard Wright, the Master of the Rolls, Sir Gerald Hohler, K.C., Mr. A. W. Bairstow, K.C., Mr. Alexander Grant, K.C., Sir Leslie F. Scott, K.C., Mr. Justice Bateson, Mr. Justice Charles, Sir Duncan M. Kerly, K.C., Lord Wright, Lord Macmillan, Lord Justice Slesser, Mr. A. T. Bucknill, K.C., Mr. Justice Goddard, Mr. W. H. P. Lewis, Mr. M. J. L. Beebee, Mr. S. R. C. Bosanquet, K.C., Mr. C. Paley Scott, K.C., Sir G. A. Bonner, Mr. C. Doughty, K.C., Mr. D. Cotes-Preedy, K.C., and Mr. S. L. Porter, K.C.

Middle Temple.

GRAND DAY.

Tuesday, 14th November, being Grand Day at the Middle Temple, the Treasurer (Mr. Holman Gregory, K.C.) and the Masters of the Bench entertained at dinner the following guests: The American Ambassador, the Earl of Cromer, Lord Merrivale, Lord Macmillan, Mr. Neville Chamberlain, Sir Boyd Merriman, Lord Justice Romer, Sir T. Vansittart Bowater, Bt., Colonel Sir Maurice Hankey, Sir Claud Schuster, Sir Herbert Creedy, Sir Adrian Pollock, Sir Thomas Hughes, Sir Reginald Poole, Sir Isidore Salmon, Sir Donald Somervell, Professor L. G. N. Filon, Mr. Thomas Loveday, Canon Griffith Thomas, Canon S. C. Carpenter, the Rev. J. F. Clayton and Mr. T. F. Hewlett (Under Treasurer).

The Benchers present in addition to the Treasurer were: Judge Ruegg, K.C., Mr. Butler Aspinall, K.C., Lord Craigmyle, Viscount Dunedin, Mr. L. De Gruyther, K.C., Mr. Edward Shortt, K.C., Mr. St. J. G. Micklethwait, K.C., Sir Lynden Macassey, K.C., Lord Salvesen, Mr. Justice Hawke, Mr. J. M. Gover, K.C., Mr. Williamson, Mr. Stuart Bevan, K.C., Serjeant Sullivan, K.C., Mr. A. T. Miller, K.C., Mr. J. Scholefield, K.C., Mr. T. D. Cassels, K.C., M.P., Sir Ian Macpherson, Bt., K.C., Mr. Bowen Davies, K.C., Mr. Paterson, Colonel Sir Henry Foster MacGreagh K.C., Mr. Lilley and Sir Thomas Molony, Bt.

Gray's Inn.

GRAND DAY.

Friday, 10th November, being the Grand Day of Michaelmas Term at Gray's Inn, the Treasurer (Sir Walter Greaves-Lord, K.C., M.P.) and the Masters of the Bench entertained at dinner the following guests: His Excellency the Belgian Ambassador (Baron de Cartier de Marchienne), the Speaker of the House of Commons (Captain The Right Hon. E. A. FitzRoy, M.P.), The Most Hon. The Marquess of Dufferin and Ava, The Most Hon. The Marquess of Crewe, K.C., The Right Hon. Lord Hugh Cecil, M.P., The Right Hon. Lord Riddell, the Chancellor of the Exchequer (The Right Hon. Neville Chamberlain, M.P.), the First Lord of the Admiralty (The Right Hon. Sir Bolton Eyres-Monsell, G.B.E., R.N., M.P.), The Hon. Mr. Justice Bateson, the Treasurer of the Hon. Society of the Middle Temple (Mr. Holman Gregory, K.C., Common Serjeant of the City of London), General Sir Robert Whigham, G.C.B., K.C.M.G., D.S.O., Sir Giles Gilbert Scott, R.A., Lt.-Col. Nathan Raw, C.M.G., M.D., and Captain Oswald Birley, M.C., R.O.I. The Benchers present in addition to the Treasurer were: The Right Hon. Sir Dunbar Plunket Barton, Bart., K.C., The Right Hon. Lord Merrivale, Mr. Herbert F. Manisty, K.C., Mr. Edward Clayton, K.C., The Right Hon. Lord Atkin, The Right Hon. Sir William Byrne, K.C.V.O., C.B., Sir Montagu Sharpe, K.C., His Honour Ivor Bowen, K.C., Mr. R. E. Dummett, The Right Hon. Lord Thankerton, The Right Hon. Lord Greenwood, K.C., The Right Hon. Lord Morison, Mr. J. W. Ross-Brown, K.C., Mr. James Whitehead, K.C., Mr. R. Storry Deans, Mr. Malcolm Hilbery, K.C., Mr. Noel Middleton, Mr. W. Trevor Watson, K.C., Sir Albion Richardson, C.B.E., K.C., and the Preacher (The Rev. Canon F. B. Ottley, M.A.).

Solicitors' Benevolent Association.

The monthly meeting of the above association was held at 60, Carey-street, on the 8th November Mr. E. R. Cook, C.B.E., in the chair. The other directors present were Sir A. Norman Hill, Bart., and Messrs. A. C. Borlase (Brighton), P. D. Botterell, C.B.E., A. J. Cash (Derby), T. G. Cowan, N. T. Crombie (York), T. S. Curtis, E. F. Dent, A. G. Gibson, G. Keith, C. G. May, H. W. Michelmore (Exeter), R. C. Nesbitt, E. C. Ouvry, L. F. Paris (Southampton), H. F. Plant, P. J. Skelton (Manchester), A. B. Urmston (Maidstone), H. White (Winchester) and Thomas Gill (Secretary). Mr. Norman T. Crombie (York) was elected as Chairman and Mr. Owen J. Humbert (London) as Vice-Chairman for the ensuing year. Mr. Thomas E. Jackson (Huddersfield) was elected a director. £786 was distributed in grants of relief; twenty-four new members were admitted and other general business was transacted.

The Hardwicke Society.

An ordinary meeting of the Society was held in the Middle Temple Common Room, on Friday, 3rd November. The President, Mr. L. Ungoed Thomas, took the chair at 8 p.m. In public business Mr. J. H. Penson moved: "That a plan of economic reorganisation on the lines of that introduced in the U.S.A. by President Roosevelt is desirable for this country." Miss E. Bright Ashford opposed. There spoke to the motion Mr. Thorne, Mr. Richard Ellis, Mr. Menzies, Mr. Wigan, The Honorary Secretary, Mr. Campbell Lee, Mr. Stranders, Mr. Banerji, Mr. Petrie, Mr. Morgan, Mr. Blagden, Mr. Williams and the Hon. Proposer in reply. On a division the motion was lost by six votes.

United Law Society.

A meeting of the United Law Society was held on the 13th November in Middle Temple Common Room. Mr. R. E. Ball proposed "That in the opinion of this House *Priestly* v. *Fowler* should be regarded as a misleading case rather than as a leading case." Miss C. Colwill opposed. Messrs. Wood-Smith, Isdell-Carpenter and Levy spoke and Mr. Ball replied. The motion was lost.

University of London Law Society.

The University of London Law Society, under the chairmanship of Mr. J. C. Hales, the President, held a successful joint debate on Tuesday at Gower-street, with the Gray's Inn Debating Society. Mr. Goodman proposed and Mr. Ives seconded: "That the policy of the present Government of Germany is a danger to the peace of the world." This was opposed by Mr. Westlake and Mr. Rogers. Among those who took part in the debate were Miss Sernis, Messrs. F. E. C. Wood, J. Wood, the Hon. Secretary (Miss Braune), the Hon. Treasurer (Mr. Mestall) and Miss Sconklestein. The motion was carried by thirty-seven votes to fifteen.

The Medico-Legal Society.

An Ordinary Meeting of the Society will be held at 11 Chandos-street, Cavendish-square, W.1, on Thursday, the 23rd November, at 8.30 p.m., when a paper will be read by Sir John Collie, C.M.G., on "Workmen's Compensation—its Medical Aspect," which will be followed by a discussion. Members may introduce guests to the meeting on production of the member's private card.

Law Students' Debating Society.

At a meeting of the Society, held at The Law Society's Court Room, on Tuesday, 14th November (Chairman, Miss H. M. Cross), the subject for debate was: "That this House would welcome the fusion of the two branches of the legal profession." Mr. L. J. Frost opened in the affirmative; Mr. R. J. A. Temple opened in the negative. The following members also spoke: Messrs. E. M. Woolf, M. C. Batten, R. Oliver, P. W. Iliff, L. F. Sturge. The opener having replied, the motion was lost by seven votes.

Rules and Orders.

Approval of Modified Forms for Use in District Registries.

Whereas in pursuance of Rule 33 of Order LXI of the Rules of the Supreme Court the Masters have, subject to the approval of the Lord Chancellor, prescribed the use in and for the purposes of the District Registries of the Forms set out in the Schedule to this Order (being Forms numbered 4 and 8 in Appendix A modified as they have deemed expedient) with such variations as circumstances may require;

Now therefore, I, John Viscount Sankey, Lord High Chancellor of Great Britain hereby in pursuance of the said Rule approve the use of the said Forms in and for the purposes of the District Registries.

Dated the 10th day of November, 1933.

Sankey, C.

Specially endorsed Writ for issue from District Registry.

A. 4.

In the High Court of Justice.

Division 19 . . No .
District Registry

Between

Plaintiff,

and

Defendant.

George The Fifth by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith. To
of
in the County of

We command you, that within eight days after the service of this writ on you inclusive of the day of such service, you do cause an appearance to be entered for you in an action at the suit of

And take notice that in default of your so doing, the plaintiff may proceed therein and judgment may be given in your absence.

Witness, Lord High Chancellor of Great Britain, the day of in the year of Our Lord One thousand nine hundred and

N.B.—This Writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

A defendant who resides or carries on business within the above-named district must enter appearance either personally or by Solicitor at the Office of the Registrar of that District.*

A defendant who neither resides nor carries on business within the said district may enter appearance either personally or by Solicitor at the Office of the said Registrar or at the Central Office, Royal Courts of Justice, London.

A defendant appearing personally may, if he desires, enter his appearance by post, and the appropriate forms may be obtained by sending a Postal Order for 2s. 10d. with an addressed envelope foolscap size to (1) The District Registrar, High Court of Justice†
if the appearance is to be entered in the District Registry; or (2) to The Controller of Stamps, Royal Courts of Justice, London, W.C.2, if appearance is to be entered in London.

If the defendant enters an appearance he must also deliver a defence within fourteen days from the last day of the time limited for appearance, unless such time is extended by the Court or a Judge, otherwise judgment may be entered against him without notice, unless he has in the meantime been served with a summons for judgment.

Statement of Claim:—

The Plaintiff's claim is
Particulars:—
(Signed)

And the sum of £ [or such sum as may be allowed on taxation], for costs; and also, in case the plaintiff obtains an order for substituted service, the further sum of £ [or such sum as may be allowed on taxation]. If the amount claimed is paid to the plaintiff or h solicitor or agent within four days from the service hereof, further proceedings will be stayed.

This Writ was issued by
of
whose address for service‡ is
agent for of
solicitor for the said plaintiff who reside at

The address for service in London is§

This Writ was served by me at
on the defendant
on the day of 19 .
Indorsed the day of 19 .
(Signed) .....
(Address .....

Specially Indorsed Writ from District Registry for Service out of the Jurisdiction.

A. 8.

In the High Court of Justice.
Division 19 , , No. .
District Registry

Between

Plaintiff,

and

Defendant.

George The Fifth, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith. To
of

* Insert address of Office.
† Insert address of District Registry.
‡ This address must be within the district.
§ Where the defendant does not reside within the District, insert address within 3 miles from the principal entrance of the Central Hall at the Royal Courts of Justice.

WE COMMAND YOU, that within* days after service of† this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in an action at the suit of
And take notice that in default of your so doing the Plaintiff may proceed therein and judgment may be given in your absence.

WITNESS, Lord High Chancellor of Great Britain, the day of in the year of Our Lord One thousand nine hundred and .

N.B.—This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

A defendant who resides or carries on business within the above-named District must enter appearance either personally or by Solicitor at the office of the Registrar of that District.‡

A defendant who neither resides, nor carries on business within the said District, may enter appearance either personally or by Solicitor at the Office of the said Registrar or at the Central Office, Royal Courts of Justice, London.

If the Defendant enters an appearance he must also deliver a defence within fourteen days from the last day of the time limited for appearance, unless such time is extended by the Court or a Judge, otherwise judgment may be entered against him without notice, unless he has in the meantime been served with a summons for judgment.

STATEMENT OF CLAIM :—

The Plaintiff's claim is
Particulars :—
(Signed)
And £ : : [or such sum as may be allowed on taxation] for costs. If the amount claimed be paid to the Plaintiff or h solicitor or agent within§ days from service‖ hereof, further proceedings will be stayed.

THIS WRIT was issued by
of
whose address for service¶ is
agent for
of
solicitor for the said plaintiff who reside at
**The address for service in London is at the office of

THIS WRIT [or notice of this Writ] was served by me at on the defendant
on the day of 19
Indorsed the day of 19 .
(Signed).....
(Address).....

N.B.—This writ is to be used where the defendant, or all the defendants, or one or more defendant or defendants, is or are out of the Jurisdiction. Where the defendant to be served is not a British subject, and is not in British dominions, notice of the writ, and not the writ itself is to be served upon him.

* Insert No. of days directed by Court or Judge.
† If notice of writ is to be served, insert here "Notice of."
‡ Insert address of Office.
§ Insert No. of days limited for appearance.
‖ If notice of writ is to be served, insert here "of notice."
¶ This address must be within the District.
** Where the defendant does not reside within the District, insert address within 3 miles from the principal entrance of the Central Hall at the Royal Courts of Justice.

Parliamentary News.

Progress of Bills.

House of Lords.

Expiring Laws Continuance (No. 2) Bill.
Read Third Time. [15th November.
Firearms and Imitation Firearms (Criminal Use) Bill.
Commons Amendment agreed to. [15th November.
Road and Rail Traffic Bill.
Read Third Time. [15th November.
Road Traffic (Emergency Treatment) Bill.
Reported with Amendments. [13th November.
Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Bill.
Read Third Time. [15th November.

House of Commons.

British Nationality and Status of Aliens Bill.
Read Third Time. [14th November.
Employment and Education of Young Persons Bill.
Read First Time. [9th November.
Firearms and Imitation Firearms (Criminal Uses) Bill.
Read Third Time. [9th November.
Local Government Bill.
Read Third Time. [14th November.
Ministry of Health Provisional Order Confirmation (Warwick) Bill.
Read Third Time. [14th November.
Ministry of Health Provisional Order Confirmation (Wellington, Salop) Bill.
Read Third Time. [15th November.
Protection of Birds Bill.
Read Third Time. [14th November.
Representation of the People (Romford Re-distribution) Bill.
Read First Time. [14th November.

Legal Notes and News.

Honours and Appointments.

The King has been pleased to approve the appointment of Mr. SUKHDEO PRASAD VARMA, barrister-at-law, as a Puisne Judge of the High Court of Judicature at Patna, in the vacancy which will occur on 23rd January next owing to the retirement of Mr. Justice Kulwant Sahay.

The Lord Chancellor has appointed Mr. ARTHUR ERNEST ESSINGTON BOULTON to be the Registrar of West Hartlepool County Court as from the 13th November, 1933.

The Lord Chancellor has appointed Mr. REUBEN COHEN to be the Registrar of Stockton-on-Tees County Court as from the 13th November, 1933.

Mr. G. D. NOKES, barrister-at-law, has been appointed a Judge in the High Court of Travancore.

Mr. R. STANLEY EVANS, barrister-at-law, of Pontypridd, has been appointed as stipendiary magistrate for the Pontypridd and Rhondda Division, in succession to Sir D. Lleufer Thomas.

Northamptonshire County Council have decided to appoint Mr. H. S. Martin, Deputy Clerk of the East Sussex County Council, as Clerk, pending the appointment of a successor to the late Mr. H. A. Millington. Mr. Martin was admitted a solicitor in 1913.

Mr. REGINALD ARMSTRONG has been appointed The Law Society's representative on the Yorkshire Board of Legal Studies for a further term of one year.

Professional Announcements.

(2s. per line.)

Messrs. BENTLEYS, solicitors, of 232, Strand, W.C.2, and 32, Bishopsgate, E.C.2, have decided to consolidate their two offices, and as from the 11th November the combined practices will be carried on at 32, Bishopsgate, E.C.2 (Telephone, Avenue 4046 (4 lines)).

THE SOLICITORS' MORTGAGE SOCIETY, LTD. (formed by Solicitors for Solicitors), invites particulars of FUNDS, or SECURITIES. Apply, The Secretary, 20, Buckingham-street, Strand, W.C.2. Telephone No. Temple Bar 1777.

Wills and Bequests.

Mr. Frederick Lindsay, retired solicitor, of Liverpool, left £12,330, with net personalty £11,298.

Mr. John Horace Stott, solicitor, of Rochdale, left £20,054, with net personalty £19,894.

Mr. Harry George William D'Almaine, F.S.A., solicitor, of Abingdon, left £6,770, with net personalty £579.

Mr. John Lewis Morgan, solicitor, of Cardiff, left £6,448, with net personalty £6,367.

Mr. David Charles Craigie, solicitor, of Fairlight, Sussex, left £27,789, with net personalty £16,405.

Mr. Conrad John Slater, solicitor, of Queen Victoria Street, E.C., left £9,615, with net personalty £8,945.

Mr. James Dickinson, K.C., of Chelsea, left estate of the gross value of £2,517, with net personalty £1,297.

COST OF COMMISSIONERS OF ASSIZE.

During the year ended 31st July last, the fees paid to Commissioners of Assize and their clerks amounted to £2,190, the extra expenditure and subsistence allowances and fees for marshals costing another £442. Altogether six Commissioners were appointed, one being a County Court judge, necessitating the expenditure of £187 for fees paid to his deputies.

INNER TEMPLE AWARDS.

The Inner Temple announces that Entrance Scholarships of 200 Guineas a year for three years have been awarded to Mr. M. Abrahams, of Trinity College, Cambridge, Mr. J. E. S. Fawcett, of New College, Oxford, and Mr. P. S. Price, of Exeter College, Oxford. A Yarborough-Anderson Scholarship of £100 a year for three years has been awarded to Miss B. H. Alexander, of St. Hugh's College, Oxford. Profumo Prizes of 100 Guineas have been awarded to Mr. G. E. P. Thorneycroft, Mr. K. K. Lim, of St. John's College, Cambridge, Sir J. Henry, of University College, London, and Mr. J. A. Grieves, of Exeter College, Oxford. A Pupil Studentship of 100 Guineas has been awarded to Mr. H. Chorley, of Trinity College, Oxford.

RAILWAY RATES TRIBUNAL.

The Secretary to the Ministry of Transport announces that in accordance with the provisions of the Ninth Schedule of the London Passenger Transport Act, the Minister of Transport has appointed Sir Maurice Jenks and Sir Hardman Lever to be additional members of the Railway Rates Tribunal for the purpose of the exercise of the functions of the Tribunal under that Act.

RATING OF A BERKSHIRE COUNTRY HOUSE.

The Berkshire County Valuation Committee, says *The Times*, have been called upon to decide what is the true principle to apply in arriving at the assessment of a Berkshire country mansion that has been dismantled by its owner and is now being used for the storage of furniture. The mansion is now assessed at the gross value of £425, rateable value £351, and includes the mansion, garage, stabling, gardens and grounds of 16 acres. The committee have decided that the true principle to apply in arriving at the assessment is to have regard to the continuance of those circumstances which constitute the value to the existing occupying owner, unless it is made to appear that those circumstances are reasonably likely to change during the currency of the ensuing rate period. When such change takes place a proposal should be made for the amendment of the valuation list; and the Rating Authority have been informed accordingly.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

			GROUP I.	
DATE.	EMERGENCY ROTA.	APPEAL COURT No. 1.	MR. JUSTICE EVE. Witness. Part II.	MR. JUSTICE MAUGHAM. Witness. Part I.
	Mr.	Mr.	Mr.	Mr.
Nov. 20	Jones	More	*Jones	*Hicks Beach
„ 21	Ritchie	Hicks Beach	Hicks Beach	*Blaker
„ 22	Blaker	Andrews	*Blaker	*Jones
„ 23	More	Jones	Jones	*Hicks Beach
„ 24	Hicks Beach	Ritchie	*Hicks Beach	Blaker
„ 25	Andrews	Blaker	Blaker	Jones
	GROUP I.		GROUP II.	
DATE.	MR. JUSTICE BENNETT. Non-Witness.	MR. JUSTICE CLAUSON. Witness. Part I.	MR. JUSTICE LUXMOORE. Non-Witness.	MR. JUSTICE FARWELL. Witness. Part II.
	Mr.	Mr.	Mr.	Mr.
Nov. 20	Blaker	*Ritchie	Andrews	More
„ 21	Jones	*Andrews	More	*Ritchie
„ 22	Hicks Beach	*More	Ritchie	Andrews
„ 23	Blaker	Ritchie	Andrews	*More
„ 24	Jones	*Andrews	More	Ritchie
„ 25	Hicks Beach	More	Ritchie	Andrews

*The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

A UNIVERSAL APPEAL

TO LAWYERS: FOR A POSTCARD OR A GUINEA FOR A MODEL FORM OF BEQUEST TO THE HOSPITAL FOR EPILEPSY AND PARALYSIS, MAIDA VALE, W.9.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 23rd November, 1933.

	Div. Months.	Middle Price 15 Nov. 1933.	Flat Interest Yield.	†Approximate Yield with redemption
ENGLISH GOVERNMENT SECURITIES			£ s. d.	£ s. d.
Consols 4% 1957 or after	FA	109¾	3 12 11	3 7 8
Consols 2½%	JAJO	73¼	3 8 3	—
War Loan 3½% 1952 or after	JD	100¼	3 9 10	3 9 8
Funding 4% Loan 1960-90	MN	110¾	3 12 3	3 7 6
Victory 4% Loan Av. life 29 years	MS	109¾	3 12 11	3 9 3
Conversion 5% Loan 1944-64	MN	116⅜	4 5 8	3 0 7
Conversion 4½% Loan 1940-44	JJ	110¾	4 1 3	2 13 4
Conversion 3½% Loan 1961 or after	AO	100½	3 9 8	3 9 5
Conversion 3% Loan 1948-53	MS	98½	3 0 11	3 2 2
Conversion 2½% Loan 1944-49	AO	93¼	2 13 7	3 1 4
Local Loans 3% Stock 1912 or after	JAJO	86	3 9 9	—
Bank Stock	AO	348½	3 8 11	—
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	78	3 10 6	—
India 4½% 1950-55	MN	108½	4 2 11	3 15 7
India 3½% 1931 or after	JAJO	85	4 2 4	—
India 3% 1948 or after	JAJO	73	4 2 2	—
Sudan 4½% 1939-73	FA	111	4 1 1	2 3 2
Sudan 4% 1974 Red. in part after 1950	MN	108	3 14 1	3 7 6
Transvaal Government 3% Guaranteed 1923-53 Average life 12 years	MN	100	3 0 0	3 0 0
COLONIAL SECURITIES				
*Australia (Commonw'th) 5% 1945-75	JJ	111	4 10 1	3 16 9
*Canada 3½% 1930-50	JJ	101	3 9 4	—
*Cape of Good Hope 3½% 1929-49	JJ	101	3 9 4	—
Natal 3% 1929-49	JJ	96	3 2 6	3 6 11
New South Wales 3½% 1930-50	JJ	99	3 10 8	3 11 7
*New South Wales 5% 1945-65	JD	108½xd	4 12 2	4 1 9
*New Zealand 4½% 1948-58	MS	108	4 3 4	3 15 0
*New Zealand 5% 1946	JJ	111	4 10 1	3 16 8
*Queensland 4% 1940-50	AO	102	3 18 5	3 13 5
*South Africa 5% 1945-75	JJ	114	4 7 9	3 11 0
*South Australia 5% 1945-75	JJ	110	4 10 11	3 18 9
*Tasmania 3½% 1920-40	JJ	101	3 9 4	—
Victoria 3½% 1929-49	AO	98	3 11 5	3 13 4
*W. Australia 4% 1942-62	JJ	102	3 18 5	3 14 2
CORPORATION STOCKS				
Birmingham 3% 1947 or after	JJ	86	3 9 9	—
*Birmingham 4½% 1948-68	AO	112	4 0 4	3 9 3
*Cardiff 5% 1945-65	MS	111	4 10 1	3 16 9
Croydon 3% 1940-60	AO	94	3 3 10	3 7 1
*Hastings 5% 1947-67	AO	114	4 7 9	3 12 7
Hull 3½% 1925-55	FA	99	3 10 8	3 11 4
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	100	3 10 0	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	73xd	3 8 6	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	85½xd	3 10 2	—
Manchester 3% 1941 or after	FA	86	3 9 9	—
Metropolitan Consd. 2½% 1920-49	MJSD	93xd	2 13 9	3 1 3
Metropolitan Water Board 3% "A" 1963-2003	AO	88	3 8 2	3 9 2
Do. do. 3% "B" 1934-2003	MS	89	3 7 5	3 8 4
Do. do. 3% "E" 1953-73	JJ	96	3 2 6	3 3 7
Middlesex C.C. 3½% 1927-47	FA	102	3 8 8	—
Do. do. 4½% 1950-70	MN	113	3 19 8	3 9 5
Nottingham 3% Irredeemable	MN	85	3 10 7	—
*Stockton 5% 1946-66	JJ	112	4 9 3	3 16 2
ENGLISH RAILWAY PRIOR CHARGES				
Gt. Western Rly. 4% Debenture	JJ	104½	3 16 7	—
Gt. Western Rly. 5% Rent Charge	FA	121½	4 2 4	—
Gt. Western Rly. 5% Preference	MA	105½	4 14 9	—
‡L. & N.E. Rly. 4% Debenture	JJ	100	4 0 0	—
‡L. & N.E. Rly. 4% 1st Guaranteed	FA	92½	4 6 6	—
‡L. Mid. & Scot. Rly. 4% Debenture	JJ	101½	3 18 10	—
‡L. Mid. & Scot. Rly. 4% Guaranteed	MA	94½	4 4 8	—
Southern Rly. 4% Debenture	JJ	104	3 16 11	—
Southern Rly. 5% Guaranteed	MA	118½	4 4 5	—
Southern Rly. 5% Preference	MA	105½	4 14 9	—

* Not available to Trustees over par.

† In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.

‡ These Stocks are no longer available for trustees, either as strict Trustee or Chancery Stocks, no dividend having been paid on the Companies' Ordinary Stocks for the past year.

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